

FILED

United States Court of Appeals  
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

January 11, 2017

Elisabeth A. Shumaker  
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LINDSEY KENT SPRINGER,

Defendant - Appellant.

No. 15-5109  
(D.C. No. 4:09-CR-00043-SPF-1)  
(N.D. Okla.)

ORDER

Before **McHUGH**, Circuit Judge.

This matter is before the court to appoint Criminal Justice Act counsel for appellant Lindsey Springer, order supplemental briefing, and direct this matter to the next oral argument calendar once the supplemental briefing is complete.

The Office of the Federal Public Defender for the Districts of Colorado and Wyoming is appointed to represent Mr. Springer in this matter. Within 14 days of the date of this order, newly appointed counsel shall file an entry of appearance. Contact information for new counsel is:

Office of the Federal Public Defender  
633 17th St., Suite 1000  
Denver, CO 80202  
(phone) 303-294-7002  
[Dean\\_Sanderford@fd.org](mailto:Dean_Sanderford@fd.org)  
[COX\\_10ECF@fd.org](mailto:COX_10ECF@fd.org)

While the application for a COA remains pending, appointed counsel shall file a supplemental brief on or before February 10, 2017. The brief shall address the impact, if any, of *McQuiggin v. Perkins*, \_\_\_ U.S. \_\_\_, 133 S. Ct. 1924 (2013), on this circuit's holding in *United States v. Baker*, 718 F.3d 1204, 1208 (10th Cir. 2013), that claims of fraud on the court are barred if raised in a second or successive motion under 28 U.S.C. § 2255 unless the conditions imposed by 28 U.S.C. § 2255(h) are met. The brief must comply with all Federal Rules of Appellate Procedure and local rules of this court applicable to filing opening briefs generally.

The United States shall file a response brief within 30 days of service of the supplemental opening brief. This brief must also comply with all Federal Rules of Appellate Procedure and local rules of this court applicable to filing response briefs. Mr. Springer may file an optional reply within 14 days of service of the government's response.

The record on appeal is available on the CM/ECF docket, entered on December 10, 2015. Once the briefing directed in this order is completed, this matter will be scheduled for oral argument hearing. The parties will be advised of the argument hearing details when the case is set and the calendar is finalized.

Entered for the Court

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker".

ELISABETH A. SHUMAKER, Clerk

**UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT  
OFFICE OF THE CLERK**

Byron White United States Courthouse  
1823 Stout Street  
Denver, Colorado 80257  
(303) 844-3157

Elisabeth A. Shumaker  
Clerk of Court

January 11, 2017

Chris Wolpert  
Chief Deputy Clerk

Mr. O. Dean Sanderford  
Office of the Federal Public Defender  
Districts of Colorado and Wyoming  
633 17th Street, Suite 1000  
Denver, CO 80202

Lindsey Kent Springer  
FCI - Seagoville  
P.O. Box 9000  
Seagoville, TX 75159  
# 02580-063

**RE: 15-5109, United States v. Springer**  
Dist/Ag docket: 4:09-CR-00043-SPF-1

Dear Counsel:

You have been appointed as counsel for appellant pursuant to the Criminal Justice Act, 18 U.S.C. 3006A. The order appointing you has been docketed in the above-referenced appeal. If an adverse decision is rendered you must advise your client of the right to seek review of this court's decision by petition for certiorari. If the client requests, and you believe a petition to be legally sound, you must file one with the clerk of the Supreme Court of the United States. *See* Criminal Justice Act Plan, 10th Cir. R., Addendum I.

Please contact this office if you have questions.

Sincerely,



Elisabeth A. Shumaker  
Clerk of the Court

cc: Frank Phillip Cihlar

Gregory Victor Davis  
Samuel Robert Lyons  
Alexander Patrick Robbins

EAS/jm



**15-5109 United States v. Springer "Order filed" (4:09-CR-00043-SPF-1)**

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01/11/2017 06:01 PM

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### **Tenth Circuit Court of Appeals**

#### **Notice of Docket Activity**

The following transaction was entered on 01/11/2017 at 4:44:45 PM MST and filed on 01/11/2017

**Case Name:** United States v. Springer

**Case Number:** [15-5109](#)

**Document(s):** [Document\(s\)](#)

#### **Docket Text:**

[10435802] Order filed by Judge McHugh appointing The Office of the Federal Public Defender for the Districts of Colorado and Wyoming to represent appellant Lindsey Kent Springer, in case 15-5109. Notice of appearance due on 01/25/2017 for Lindsey Kent Springer, Supplemental brief due 02/10/2017 for Lindsey Kent Springer. Once the briefing directed in this order is completed, this matter will be scheduled for oral argument. Please see order for additional information. Served on 01/11/2017. [15-5109]

#### **Notice will be electronically mailed to:**

Mr. Gregory Victor Davis: gregory.v.davis@usdoj.gov, Gregory.V.Davis@usdoj.gov, Cateps.Taxcriminal@usdoj.gov, LaQuita.S.Brooks@usdoj.gov  
Mr. Samuel Robert Lyons: Samuel.R.Lyons@usdoj.gov, Samuel.R.Lyons@usdoj.gov, Cateps.Taxcriminal@usdoj.gov  
Mr. Alexander Patrick Robbins: alexander.p.robbins@usdoj.gov, Cateps.Taxcriminal@usdoj.gov, Stan.J.Okula@usdoj.gov, alexander.robbins@usdoj.gov  
Mr. O. Dean Sanderford: Dean\_Sanderford@fd.org, COX\_10ECF@fd.org, virginia\_grady@fd.org, veronica\_rossman@fd.org

**Notice will not be electronically mailed to the following as the Court does not have a valid email address on file. If appropriate, notice will be delivered by other means to:**

Mr. Frank Phillip Cihlar  
Dept. of Justice-Tax Division  
P.O. Box 502  
Washington, DC 20044-0000

Lindsey Kent Springer  
FCI - Seagoville  
P.O. Box 9000  
Seagoville, TX 75159

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**Document Description:** Main Document

**Original Filename:** 15-5109.pdf

**Electronic Document Stamp:**

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e6d6680ea6d58d86f5cb72d7c73890a707f9fb2092dedd7c]]

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acfeb208d4fe55a49c9dcf200b35f4bf3b527c627054f597]]

**Recipients:**

- [Mr. Frank Phillip Cihlar](#)
- [Mr. Gregory Victor Davis](#)
- [Mr. Samuel Robert Lyons](#)
- [Mr. Alexander Patrick Robbins](#)
- [Mr. O. Dean Sanderford](#)
- [Lindsey Kent Springer](#)